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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,849	07/24/2001	Nobuyuki Kobayashi	P21228	4815
7055 7590 02/27/2007 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			EXAMINER SELLERS, DANIEL R	
			ART UNIT 2615	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	02/27/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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gbpatent@gbpatent.com
pto@gbpatent.com

Office Action Summary

Application No.

09/910,849

Applicant(s)

KOBAYASHI ET AL.

Examiner

Daniel R. Sellers

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Attachment: A, filed 12/04/2006, with respect to claims 1-16 has been fully considered and are persuasive. The previous rejection of claims 1-16 has been withdrawn.
2. However, Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection. A new rejection under 35 USC 103 is presented in the following.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. **Claims 1, 2, 5, and 8** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kotani et al. (USPN 6,247,131) in view of Tanaka.
5. Regarding previously presented **claim 1**, see Kotani,

A digital recording and reproducing apparatus which is capable of having a removable external memory mounted therein, for performing recording of recording data in the external memory and reproduction based on the recording data recorded in the external memory, the digital recording and reproducing apparatus (Col. 1, lines 12-19 and 47-56) comprising:

an identification data-generating block (program (121), Col. 10, lines 34-38) that generates identification data (information (1320), Col. 10, lines 31-34) that identifies the external memory individually (contents (131), Col. 10, lines 23-30, wherein the external memory or memories are associated with a unique PC hardware configuration (Col. 8, lines 42-59));

*an internal memory in which the identification data can be recorded (Fig. 1, item 12); and
a control block (program (121) that records the identification data in the external memory (Col. 10, lines 39-41) and said internal memory (Col. 10, lines 20-22), and carries out identification data determination processing that determines, when mounting of the external memory is detected, whether or not the identification data recorded in the external memory and the identification data recorded in said internal memory are identical to each other, (Col. 10, lines 50-57) and to display*

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a message that notifies a different external memory has been mounted when the identification data are different from each other (Col. 10, lines 57-61).

Kotani teaches the above features, and Kotani teaches that a user is issued a warning when the identification data is different (Col. 10, lines 50-61). However, Kotani does not specifically teach the display of a message that notifies the user that the identification data is different.

Tanaka teaches a similar concept, wherein the goal is to protect copyrights in situations involving removable, external memory (Col. 2, line 6 - Col. 3, line 2). Tanaka teaches at least two different methods of protecting copyrights (Col. 6, lines 23-35 and Col. 16, lines 1-57, teaches a Data Status Area in the RD field for protection, and Col. 7, lines 10-49 and Col. 13, lines 28-62, teaches a CIS field B). Tanaka teaches a display of a message when an error is found in the Data Status Error, and this prevents the file from being copied from an external memory to another memory (Col. 16, lines 48-53). One of ordinary skill in the art at the time of the invention would want to use a message for informing the user to the nature of the error, or warning, wherein a personal computer with various different programs, or tasks, can produce a variety of different warnings, or errors. It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Kotani with Tanaka for the purpose of informing the user to the nature of the error.

6. Regarding **claim 2**, the further limitation of claim 1, see Tanaka,

... wherein said control block records the identification data in both of the external memory and said internal memory before the recording data is recorded in the external memory. (Col. 7, lines 18-23).

In the combination Tanaka teaches this feature.

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7. Regarding **claim 5**, the further limitation of claim 1, see the preceding argument with respect to claim 1. Tanaka teaches that the identification data-generating block generates random numerical data (Col. 8, lines 21-29).

8. Regarding **claim 8**, the further limitation of claim 2, see the preceding argument with respect to claims 2 and 5. Tanaka teaches the features of claims 2 and 5.

9. **Claims 3, 4, 9, and 10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kotani and Tanaka as applied to claim 2 above, and further in view of Kubo, U.S. Patent No. 6,631,427.

10. Regarding **claim 3**, the further limitation of claim 2, see Tanaka,

... wherein said control block carries out the identification data determination processing when the external memory is mounted after having been removed during recording of the recording data in the external memory, said control block continuing to record the recording data in the mounted external memory when the identification data recorded in the external memory and the identification data recorded in said internal memory are identical to each other, and carrying out predetermined error-handling processing when the identification data recorded in the external memory and the identification data recorded in said internal memory are different from each other. (Col. 2, line 63 – Col. 3, line 2).

The combination of Kotani and Tanaka teaches the predetermined error-handling in a memory system. The combination teaches that the identification data is compared to determine whether or not the data can be used. They do not teach the step of recording the data to the memory system. Kubo teaches the recording of digital data to a memory device (Col. 1, lines 41-53). Kubo teaches that the discriminating means decide whether or not recording can be done on the memory. It would have been obvious for one of ordinary skill in the art to combine the teachings of Kotani, Tanaka, and Kubo for the purpose of creating a protected removable data system.

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11. Regarding **claim 4**, the further limitation of claim 2,

... wherein said control block causes the recording data to be recorded in said internal memory when the external memory is removed during recording of the recording data in the external memory, carries out the identification data determination processing when the external memory is mounted, and records the recording data recorded in said internal memory in the mounted external memory when the identification data recorded in the external memory and the identification data recorded in said internal memory are identical to each other.

The combination of Kotani and Tanaka teaches the features of claim 2, and teaches the identification data determination processing when the external memory is mounted.

They do not teach the recording of data to an internal memory. Kubo teaches that the recording process records to the internal memory when the external memory is removed during recording (Col. 1, lines 32-38 and lines 49-53). Kubo teaches that the recorded data in the internal memory is recorded to the external memory (Col. 6, lines 40-45).

12. Regarding **claim 9**, the further limitation of claim 3, see the preceding argument with respect to claims 3 and 5. The combination of Kotani, Tanaka, and Kubo teach these features.

13. Regarding **claim 10**, the further limitation of claim 4, see the preceding argument with respect to claims 4 and 5. The combination of Kotani, Tanaka, and Kubo teach these features.

14. **Claims 6, 7, 11, and 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kotani and Tanaka as applied to claims 1 and 5 above, and further in view of Pawlowski et al., U.S. Patent No. 6,038,199 (hereinafter Pawlowski).

15. Regarding **claim 6**, the further limitation of claim 1,

... wherein the recording data is sound data, and wherein the digital recording and reproducing apparatus includes a sound signal input block for inputting an analog sound signal, a sound data generation block for generating the sound data by converting the analog sound signal to digital data and compressing the digital data, a sound signal generation block for decompressing the sound data recorded in the external memory to generate the digital data and converting the digital data to the analog sound signal, and an amplifier circuit for amplifying the converted analog sound signal to output the amplified sound signal.

The combination of Kotani and Tanaka teaches the features of claim 1, however they do not teach the sound processing blocks as described by these limitations. Pawlowski teaches a portable digital audio recorder. The device has the sound signal input block (Fig. 3, unit 56), the sound data generation block, and the sound signal generation block (Fig. 3, units 52 and 54) for outputting an amplified signal (Fig. 3, unit 58) from an external memory (Fig. 3, unit 64). It would have been obvious for one of ordinary skill in the art to combine the teachings of Kotani, Tanaka, and Pawlowski for the purpose of creating protected audio works.

16. Regarding **claim 7**, the further limitation of claim 5, see the preceding argument with respect to claim 6. Tanaka teaches the features of claim 5, and therefore the combination of Kotani, Tanaka, and Pawlowski teach the features of claim 7.

17. Regarding **claim 11**, the further limitation of claim 2, see the preceding argument with respect to claims 2 and 6. The combination of Kotani, Tanaka, and Pawlowski teach these features.

18. Regarding **claim 14**, the further limitation of claim 8, see the preceding argument with respect to claims 6 and 8. The combination of Kotani, Tanaka, and Pawlowski teach these features.

19. **Claims 12, 13, 15, and 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Kotani, Tanaka, and Kubo as applied to claim 3 above, and further in view of Pawlowski.

20. Regarding **claim 12**, the further limitation of claim 3, see the preceding argument with respect to claims 3 and 6. The combination of Kotani, Tanaka, and Kubo teach the features of claim 3, however they do not teach the sound processing blocks as described by these limitations. Pawlowski teaches a portable digital audio device with these features. It would have been obvious for one of ordinary skill in the art to combine the teachings of Pawlowski with the combination of Kotani, Tanaka, and Kubo for the purpose of creating protected audio works.

21. Regarding **claim 13**, the further limitation of claim 4, see the preceding argument with respect to claims 4 and 6. The combination of Kotani, Tanaka, Kubo, and Pawlowski teach these features.

22. Regarding **claim 15**, the further limitation of claim 9, see the preceding argument with respect to claims 6 and 9. The combination of Kotani, Tanaka, Kubo, and Pawlowski teaches these features.

23. Regarding **claim 16**, the further limitation of claim 10, see the preceding argument with respect to claims 6 and 10. The combination of Kotani, Tanaka, Kubo, and Pawlowski teaches these features.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel R. Sellers whose telephone number is 571-272-7528. The examiner can normally be reached Monday to Friday, 9am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571)272-7564. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DRS


SINH TRAN
SUPERVISORY PATENT EXAMINER